

CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF NC.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

2010 JAN -8 PM 3:28

IN RE:
CORNERSTONE LOG & TIMBER HOMES, INC.
Debtor

CASE NO: 09-04503-8-RDD
CHAPTER 7

RESPONSE TO TRUSTEE'S OBJECTION
TO SECURE CLAIM

NOW COMES **Buckner Plumbing & Heating, Inc.** and responds to the Trustee's Objection to its secured claim as follows:

1. As attached to the Proof of Claim, judgment was entered on December 18, 2007, a copy of which is attached hereto marked Exhibit "A".
2. This judgment was filed in McDowell County, NC and would attach to all real estate owned by the Debtor in McDowell County which included property described in Deed Book 774, at page 425, a copy of which is attached hereto marked Exhibit "B".
3. The judgment would be a lien on this property.
4. It is admitted the judgment lien would not have priority over deeds of trust on the property filed prior to the date of the judgment, December 18, 2007.

This the 30th day of December, 2009.

W. HILL EVANS, P. A.

By: 

W. Hill Evans, Attorney for
Buckner Plumbing & Heating, Inc.
PO Drawer 1330
Marion, NC 28752
Telephone: (828) 652-2844
NC State Bar No. 9210

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the other party(s) to this action set out below as follows:

Stephen L. Beaman, Trustee
Attorney at Law
PO Box 1907
Wilson, NC 27894-1907

Kevin Sink, Debtor's Attorney
3700 Glenwood Ave., Suite 500
Raleigh, NC 27612

Bankruptcy Administrator
US Bankruptcy Court
Eastern District of NC
1760-A Parkwood Blvd.
Wilson, NC 27863

() By hand delivery.

(XX) By depositing a copy in a first class, postpaid envelope properly addressed to the attorney(s) of record at the address set forth above.

() By depositing a copy in a first class, postpaid envelope properly addressed to the party(s) if not represented by an attorney at the address set forth above.

This the 30 day of December 2009.

W. HILL EVANS, P. A.

BY: 

W. Hill Evans
Attorney for
Buckner Plumbing & Heating, Inc.
P. O. Drawer 1330
Marion, NC 28752
Telephone: (828) 652-2844
N.C. State Bar No. 9210

NORTH CAROLINA
McDOWELL COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
File #07-CVD-1426

BUCKNER PLUMBING & HEATING,
INC.,

Plaintiff,

v.

CORNERSTONE LOG & TIMBER
HOMES, LLC.,

Defendant.

2007 DEC 18 A 9:54

McDOWELL COUNTY C.S.C.

JUDGMENT

This matter coming on to be heard before the undersigned District Court Judge. Appearing before the Court was W. Hill Evans, representing the plaintiff. The defendant did not appear. From the evidence presented, the Court makes the following findings of fact:

1. A complaint was filed and summons issued in this cause and proper service was made upon the defendant, Cornerstone Log & Timber Homes, LLC.
2. The defendant filed an Answer in this matter as appears from the Court file in this matter.
3. The defendant is not an infant or incompetent person or otherwise under any disability.
4. Personal jurisdiction has been acquired over the defendant, Cornerstone Log & Timber Homes, LLC by the proper service of process.
5. This matter is properly calendared and noticed for hearing
6. The plaintiff performed labor and provided plumbing materials for the defendant on two separate jobs, one for Wallace and the other for Gracey.
7. After giving defendant credit for all payments made on its two accounts for Wallace and Gracey, there remains an unpaid balance on the Wallace account in the sum of \$6,099.54 and on the Gracey account in the sum of \$3,620.00, for a total balance owed to plaintiff by defendant of \$9,719.54.

EXHIBIT "A"

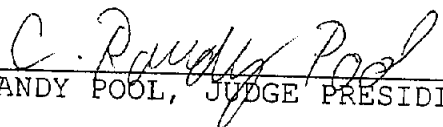
Based on the foregoing findings of fact, the Court makes the following conclusions of law:

1. The Court has jurisdiction over the parties and the subject matter and the authority to enter the order as hereinafter set forth.

2. After giving defendant credit for all payments made on its two accounts for Wallace and Gracey, there remains an unpaid balance on the Wallace account in the sum of \$6,099.54 and on the Gracey account in the sum of \$3,620.00, for a total balance owed to plaintiff by defendant of \$9,719.54.

THEREFORE, based on the foregoing conclusions of law, it is ORDERED, ADJUDGED and DECREED the plaintiff have and recover of the defendant, **Cornerstone Log & Timber Homes, LLC**, judgment in the sum of \$9,719.54, together with interest at the legal rate from and after date until paid, and for the costs of this action, in full.

This the 17th day of December, 2007.



C. RANDY POOL, JUDGE PRESIDING

EXHIBIT "B"

2004002170

MCDOWELL CO, NC FEE \$20.00
STATE OF NC REAL ESTATE EXT

\$165.00

PRESENTED & RECORDED:

03-25-2004 11:29:32 AM

03-25-2004 11:29:32 AM

Patricia A. Reel

REGISTER OF DEEDS

BY: TONIA R HAMPTON

BK: CRP 774

PG: 425-427

- Aceto -

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$165.00

Parcel Identifier No. 0638.00-43-3503 Verified by _____ County on the _____ day of _____, 20____By: SASEMail/Box to: Steven T. Aceto, 181 Charlotte Street, Asheville, NC 28801This instrument was prepared by: Steven T. AcetoBrief description for the Index: LT 113 CATAWBA FALLS PRESERVE.THIS DEED made this 22 day of March, 2004, by and betweenGRANTOR
Catawba Falls LLC a North Carolina
Limited Liability CompanyGRANTEE
Cornerstone Log & Timber Homes, LLC
a North Carolina Limited Liability Company
P O Box 429
Red Oak, NC 27868APPROVED TO RECORD
TAX DEPARTMENT

08 3/25/04



The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, Crooked Creek and Old Township, _____ McDowell County, North Carolina and more particularly described as follows: Fort
See AttachedThe property hereinabove described was acquired by Grantor by instrument recorded in Book 696 page 401
688 page 242A map showing the above described property is recorded in Plat Book 9 page 37

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ATTACHMENT CRP 774 426

BEING ALL of Lot 113 shown to contain 1.44 acres as described in a survey of The Catawba Falls Preserve by Eric S. McAbee PLS dated November 3, 2003 recorded in Map Book 9 Pages 37 - 40 inclusive, as revised in a survey of Lots 113 and 112 by Eric S. McAbee PLS dated February 11, 2004 recorded in Plat Book 9 Page 61 (together the Plat). Together with and subject to the burdens and benefits of covenants, easements, and restrictions of record described in 113 and 112 by Eric S. McAbee PLS dated February 11, 2004 recorded in Plat Book 9 Page 61 (together the Plat). Together with and subject to the burdens and benefits of covenants, easements, and restrictions of record described in the Plat and in the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Catawba Falls Preserve Community Association and attached Exhibits, recorded in Deed Book 717 Page 838, and Articles of Amendment of Catawba Falls Preserve Community Association recorded in Deed Book 727 Page 471, including but not limited to the twenty foot drive easements referenced on the Plat as Atlantic Falls Trail and the "New 20' drive easement". Grantor reserves the right to adjust the boundaries of rights of way and easements shown in the Plats and to convey lots in Catawba Falls Preserve by reference to subsequent surveys, provided no such adjustments or changes will change lot boundaries or easements upon the lot(s) specifically conveyed by this Deed, nor will any such changes impair or materially modify access to public roads or amenities as described in the Plats.

Being a portion of the property described in a General Warranty Deed from Rollar Industries, Inc. et al to Catawba Falls LLC a North Carolina Limited Liability Company dated and recorded June 19, 2002 in Deed Book 688 Page 242 and/or a portion of the property described in a General Warranty Deed from Lisa Price Doggett et al to Catawba Falls LLC a North Carolina Limited Liability Company dated August 26, 2002 recorded September 3, 2002 in Deed Book 696 Page 401.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

CRP 774 427

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Easements, restrictions and rights of way of record, lawful claims of all persons whomsoever, other than the following exceptions: Easements, restrictions and rights of way of record, and to the lien of 2003 ad valorem taxes, to be prorated at closing.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Catawba Falls LLC

(Entity Name)

By:

Title: Managing Agent

By:

Title: _____

By:

Title: _____

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20__.

My Commission Expires: _____

Notary Public

State of ~~North Carolina~~ - County of Buncombe

Virginia

Henrico

I, the undersigned Notary Public of the County and State aforesaid, certify that Thomas W. Goss personally came before me this day and acknowledged that he is the Managing Agent of Catawba Falls LLC a North Carolina or ~~corporation/limited liability company/general partnership/limited partnership~~ (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 22nd day of March, 2009.

My Commission Expires: 8/31/09

Linda K. Adwell
Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20__.

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds

Patricia A. Reel
Register of Deeds

McDowell County Register of Deeds

21 South Main Street, Suite A • Marion, NORTH CAROLINA 28752

21 South Main Street, Suite A • Marion, NORTH CAROLINA 28752

Telephone 828-652-4727 • Fax 828-652-1537 • E-Mail register@mcdowell.main.nc.us



Filed For Registration: 03/25/2004 11:29:32 AM

Book: CRP 774 Page: 425-427

Document No.: 2004002170


DEED 3 PGS 185.00

Recorder: TONIA R HAMPTON

State of North Carolina, County of McDowell

The foregoing certificates of LINDA K ADWELL Notary(ies) Public is(are) certified to be correct this 25TH of MARCH 2004.

PATRICIA A. REEL, REGISTER OF DEEDS

By: 
DEPUTY REGISTER OF DEEDS

DO NOT REMOVE!

This certification sheet is a vital part of your recorded document. Please retain with original document and submit when re-recording.